

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 28<sup>th</sup> day of August, 2006 the City Council of the City of Aransas Pass convened in a Special Called Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT:	Jesus Galvan,	Mayor
	Dorothy Roberts,	Mayor Pro Tempore
	Frank Hametner,	Council Member
	Grace Chapa,	Council Member
	Tommy Knight,	Council Member

ABSENT: None

ADMINISTRATIVE PERSONNEL PRESENT:	Scott Thompson,	City Manager
	Allen Lawrence,	City Attorney
	Ada Owens,	City Secretary

ADMINISTRATIVE  
PERSONNEL ABSENT: None

STAFF PRESENT:	Darrell Jones,	Police Chief
	Darren Gurley,	Director of Public Works
	Gilbert Ritz,	Fire Chief

OTHERS PRESENT:

(There may have been others present who did not sign in).

**ITEM 1.**

**CALL MEETING TO ORDER.**

Mayor Galvan called the meeting to order at 6:30 p.m. on August 28, 2006.

**ITEM 2.**

Approval of Ordinance 2006-3902 Providing date and time of Special Election, Providing place and precinct numbers where election is to be held, Providing rate of pay per hour for Judges and Clerks, and Providing date and time of early voting.

Council Member Chapa asked how much would the recall election cost?

Ada Owens, City Secretary stated the election would have to be held in two precincts because it was to be conducted November 7 during the State and County elections. Early voting would be held at City Hall for all City residents. Residents living in Aransas County would vote at the Aransas County building on N. Commercial and City residents in San Patricio County would vote at Compton Hall in San Patricio County, which would double the cost of the election to \$7,500.00 to \$8,000.00.

Council Member Chapa asked what about the wording on the ballot?

The City Secretary stated the wording on the ballot for a recall election is spelled out in the City Charter

Council Member Chapa asked when would the ballot be ready?

The City Secretary stated she could have it done by noon tomorrow.

Council Member Chapa asked the City Attorney on the wording, according to the Charter, it has to be very specific? Had the City Attorney looked at it?

The City Attorney stated the wording set forth in the Charter states exactly the way it is supposed to be worded.

Mayor Pro Tempore Roberts asked was Council Member Chapa talking about the wording on the recall or the ordinance?

Council Member Chapa stated the recall.

The City Manager stated the Charter states exactly what is to be on there.

Council Member Chapa asked the City Attorney is that specific enough?

The City Attorney stated yes, that is what the Charter says.

Council Member Knight asked the Charter says "for" or "against" doesn't it?

The City Attorney stated yes, he thought the Charter stated "for the recall of so and so" or "against the recall of so and so."

Council Member Chapa stated not the wording on the ballot, the wording on the petition.

The City Attorney stated he thought Council Member Chapa was talking about the election.

Council Member Chapa stated she was just trying to get her facts.

The City Attorney stated he did not understand the question.

Council Member Chapa stated the recall petition, he (the City Attorney) had reviewed it.

The City Attorney stated he had not seen the recall petition until Monday afternoon before the Council's last meeting (August 21).

Council Member Chapa asked the City Attorney according to you, the reason (for the recall) on the petition is specific enough?

The City Attorney stated that question was never raised.

Council Member Chapa stated she was raising it now.

The City Attorney stated it (the recall petition) has already been accepted and certified by the City Secretary.

Council Member Chapa asked the City Attorney so you, as City Attorney, never looked at that petition, never thought it was your responsibility to do that?

The City Attorney stated no one ever presented the petition to him. No one with the City ever called him about the recall or initiative petition.

Mayor Galvan asked the City Attorney was the wording on the recall petition specific enough, in the City Attorney's opinion?

The City Attorney stated it specifically says what the complaints are as set forth by the recall committee/group.

Mayor Galvan asked the City Attorney what was the difference between a resolution and an ordinance?

The City Attorney stated an ordinance has more power, more meaning and authority than a resolution and the State requires, under the voting laws, that the election be called by ordinance and the ordinance must be submitted to the Secretary of State's Office and to the Department of Justice in Washington D.C.

Mayor Galvan asked the City Attorney was the City Attorney telling him that he had time to research the recall? To research, specifically, what the recall was for?

The City Attorney stated no, he had nothing to do with it (recall). The City Attorney stated there were a lot of things he does not get called on.

Mayor Galvan stated he would like the City Attorney to research that and find out if it is valid.

The City Attorney stated the recall petition is valid.

Mayor Galvan asked the City Attorney it is valid on whose terms?

The City Attorney stated on the requirements of the City and the City Secretary has certified it (recall petitions).

Mayor Galvan stated the City Secretary has certified it (recall petitions) but the reason there (on the recall petitions) was not specific enough per Charter.

The City Attorney stated there was no reason set forth in the Charter for a recall petition. The Charter, he thought, says that those parties who are asking for the recall shall specify their reasons for the recall and they have done so on in their petition.

Mayor Galvan stated he did not think the City Attorney has had time to review it (recall petition) and give the Council his opinion on it.

Council Member Hametner stated it was not reviewable.

The City Attorney stated it (recall petition) had already been accepted.

Mayor Galvan asked accepted, regardless if it is correct or incorrect?

The City Attorney stated it (election order) was accepted at the last meeting and the specificity that the Mayor is now questioning was never questioned.

Mayor Galvan asked was the City Attorney recommending that the Council go ahead and accept it (election order)?

The City Attorney stated the Council has already accepted it (election order) where the Council is now is to call the election.

Mayor Galvan stated he did not feel it was necessary to go ahead and call the election. He stated he did not think the Council got a proper answer; he did not think they (Mayor Galvan and Mayor Pro Tempore Roberts) got proper representation on their part.

Mayor Pro Tempore Roberts asked was it essential that the Council do this ordinance today?

The City Attorney stated it is, to get it on the November ballot.

Mayor Galvan asked what is the last day we can get it on the November ballot?

The City Secretary stated today.

Council Member Knight asked does anyone have a copy of the Charter?

The City Secretary took her copy of the Charter to Mayor Galvan.

Mayor Galvan read from the Charter "The recall petition shall be initiated, signed, verified and filed in the same manner as initiative and referendum petitions. The petition must distinctly and specifically point out the grounds upon which the recall is predicated."

Council Member Chapa asked was the City Secretary going to write the description on the ballot? Who was going to verify the wording on it?

The City Secretary stated the Charter gave the specific wording for the recall ballot.

Mayor Galvan stated there were two different ways to write the description on the ballot. Two different examples are given, for and against, and yes or no.

The City Attorney asked in the Charter?

The City Secretary pointed out Section 15 of the City Charter which states:

Ballots used at recall elections shall conform to the following requirements:

- (1) With respect to each person whose removal is sought the question shall be submitted "Shall (name of person) be removed from the office of (name of office) by recall?"
- (2) Immediately below each such question there shall be printed the two (2) following propositions, one above the other, in order indicated: "For the recall of (name of person)" "Against the recall of (name of person)"

Council Member Knight made the motion to approve Ordinance 2006-3902 - An Ordinance of the City of Aransas Pass, Texas, providing date and time of a special election to be conducted by the San Patricio County Election Administration Office in San Patricio County and by the City of Aransas Pass in Aransas County; for early votes cast on Direct Recording Electronic (DRE) voting system and by paper ballot; Providing place and precinct numbers where election is to be held; Providing rate of pay per hour for Judges and Clerks; and, Providing date and time of early voting. Council Member Hametner seconded the motion and the vote was Council Member Knight and Council Member Hametner yes, Mayor Galvan, Mayor Pro Tempore Roberts and Council Member Chapa no. The motion was defeated 3 to 2.

Council Member Hametner stated it would save a lot of trouble if you all (Council) would approve the right of the people to vote. What is going to happen now is, tomorrow morning, the recall committee will have one of their attorneys go before one of the District Judges then the Judge will decide whether to have the election or not. The high probability is that the Judge will allow the election since it has been duly called, duly certified by a qualified number of citizens within the City. He asked why are we (Council) putting everybody to all this trouble when all they are asking is for the citizens to vote. Addressing Mayor Galvan, Council Member Hametner stated as you well know and feel the citizens are not going to vote against you.

Mayor Galvan stated no one knows that and if they (recall committee) had stated a specific reason (for the recall) and we went out on those terms, then he (Mayor Galvan) would not have a problem voting for it (Ordinance 2006-3902) but we all know that didn't happen. He stated we did not get proper representation.

Mayor Pro Tempore Roberts stated she had a problem, if she had sat up there and lied it would be different.

Council Member Hametner disagreed and left Council Chambers at 6:46 p.m.

Mayor Pro Tempore Roberts stated she thought, on the petition, it should have stated when and where lies were told, when and where mistakes were made. Just because someone disagrees with the way she voted this was not the thing (recall) to do. She stated she had voted her conscious and that is all one could do, take the information given, process it and vote the matter the best way you can. She stated she had run for Council to make a difference in the City. Mayor Pro Tempore Roberts then challenged the recall committee to run for Council

Mayor Galvan stated he did not think the recall committee would run for Council, he had posed that question before. He stated if they (the recall committee) don't follow the City Charter it's not specific enough, not in his opinion. If they (recall committee) are going to recall us (Mayor Galvan and Mayor Pro Tempore Roberts) for a reason, they should be specific and tell everyone why they are recalling us, not spreading rumors. If the recall committee believes they (Mayor and Mayor Pro Tempore) are doing a bad job, tell the people what we are actually doing, but don't be deceitful in your manner regardless of who is sitting up here (in Council seats). He would not wish it upon Frank (Council Member Hametner) or Tommy (Council Member Knight) if they were in that position.

**ITEM 6.**

**ADJOURNMENT OF MEETING.**

Mayor Galvan adjourned the meeting at 6:50 p.m.

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Jesus Galvan, Mayor

ATTEST:

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Ada Owens, City Secretary